

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

January 17, 2006

CALL TO PODIUM:

**Greg Ossont, Director
Planning and Code
Administration
RESPONSIBLE STAFF:**

**Greg Ossont, Director
Planning and Code
Administration**

**Cathy Borten, City Attorney
AGENDA ITEM:**
(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
x	Joint Public Hearing
	Historic District
	Consent Item
	Ordinance
	Resolution
	Policy Discussion
	Work Session Discussion Item
	Other:

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	NA
Advertised	01/04/2006
	01/11/2006
Hearing Date	01/17/2006
Record Held Open	
Policy Discussion	

TITLE:**JOINT PUBLIC HEARING – T-375**

AN ORDINANCE TO AMEND CHAPTER 24 OF THE CITY CODE ENTITLED "ZONING," ARTICLE III ENTITLED "REGULATIONS APPLICABLE TO PARTICULAR ZONES," DIVISION 14 ENTITLED "I-1 ZONE, LIGHT INDUSTRIAL," DIVISION 15 ENTITLED "I-3 ZONE, INDUSTRIAL AND OFFICE PARK," AND TO CORRECT TYPOGRAPHICAL ERRORS AND TO REQUIRE ADHERENCE TO ADDITIONAL REGULATIONS WHEN BUILDING IN AN INDUSTRIAL ZONE THAT ABUTS RESIDENTIAL USES

SUPPORTING BACKGROUND:

Staff has been asked to review the Industrial Use zones and how each zone relates to adjacent and abutting residential properties. Staff reviewed the I-1 and I-3 zones for existing language that ensures compatible development in industrial zones that could potentially effect existing residential development.

Specific areas were identified within the I-1 and I-3 zones where language could be amended and in sections where additional language and standards could be introduced to ensure compatible and harmonious new development and redevelopment in these industrial zones.

The proposed amendments increase setbacks and apply additional development standards when developing properties abutting or adjacent to residential properties. The proposed amendments were discussed during a joint work session on ~~November 28, 2005~~ **September 12, 2005 (this date has been amended from the original M&CC cover sheet).**

Presentation: 5 Minutes

Attachments: Index of Memoranda and Exhibits

DESIRED OUTCOME:

MAYOR & COUNCIL AGENDA COVER SHEET

Planning Commission record open 21 days, close February 7, 2006

Planning Commission recommendation on February 15, 2006.

City Council record open 31 days, close February 17, 2006

City Council policy discussion February 21, 2006

City Council final action on March 6, 2006

INDEX OF MEMORANDA

T-375

1. Application
2. Draft Ordinance
3. Letter to Gaithersburg Gazette dated December 27, 2005, requesting a Legal Ad for January 4 & 11, 2005, issues. Fax and email printed communications re same.
4. Notice of January 17, 2006, joint public hearing to interested parties. Labels for people notified by regular mail and email addresses electronic notifications.

I-1 / I-3

TEXT AMENDMENT TO THE ZONING ORDINANCE

In accordance with Article VIII,
Section 24-194, 195, 197, and 198 of the City Code

Application Number	<u>T-375</u>
Filing Date	_____
P.C. Hearing	<u>JOWT</u>
M&C Hearing	<u>JAN. 17, 2005</u>
Decision	_____
Decision Date	_____

Application is hereby made to the

- ☐ City Planning Commission, or
☒ Mayor and City Council

for a change in the text of the Zoning Ordinance of the City of Gaithersburg, Maryland.

This change involves Article III, DIVISION 14 & 15, Section (S) 24-139 & 24-143
to be amended per the attached ordinance.

Applicant/Staff Person Greg Ossant Date December 27, 2004
Address 31 SOUTH SUMMIT AVENUE GAITHERSBURG MD 20877



December 27, 2005

Karey Major, Law Section
The Gaithersburg Gazette
P.O. Caller 6006
Gaithersburg, Maryland 20884

Dear Karey:

Please publish the following legal advertisement in the **January 4, and January 11, 2006**, issues of the *Gaithersburg Gazette*.

Sincerely,

Greg Ossont, Director
Planning and Code Administration

ASSIGN CODE: T-375 Acct# 133649

NOTICE OF PUBLIC HEARING

The Mayor and Council and Planning Commission of the City of Gaithersburg will conduct a joint public hearing on T-375, filed by Greg Ossont on behalf of the Mayor and City Council, on

**MONDAY
JANUARY 17, 2006
AT 7:30 P.M.**

or as soon thereafter as this matter can be heard in the Council Chambers at 31 South Summit Avenue, Gaithersburg, Maryland.

AN ORDINANCE TO AMEND CHAPTER 24 OF THE CITY CODE
ENTITLED "ZONING," ARTICLE III ENTITLED "REGULATIONS APPLICABLE TO PARTICULAR
ZONES," DIVISION 14 ENTITLED "I-1 ZONE, LIGHT INDUSTRIAL," DIVISION 15 ENTITLED "I-3
ZONE, INDUSTRIAL AND OFFICE PARK," AND TO CORRECT TYPOGRAPHICAL ERRORS AND
TO REQUIRE ADHERENCE TO ADDITIONAL REGULATIONS WHEN BUILDING IN AN
INDUSTRIAL ZONE THAT ABUTS RESIDENTIAL USES

Further information may be obtained from the Planning and Code Administration Department at City Hall, 31 South Summit Avenue, between the hours of 8 a.m. and 5 p.m., Monday through Friday.

Greg Ossont, Director
Planning and Code Administration

CB/GO/mg City of Gaithersburg • 31 South Summit Avenue, Gaithersburg, Maryland 20877-2098
301-258-6300 • FAX 301-948-6149 • TTY 301-258-6430 • cityhall@gaithersburgmd.gov • www.gaithersburgmd.gov

MAYOR
Sidney A. Katz

COUNCIL MEMBERS
Stanley J. Alster
Geraldine E. Edens
Henry F. Marratta, Jr.
John B. Schlichting
Michael A. Sesma

CITY MANAGER
David R. Hampton

NOTICE OF PUBLIC HEARING

The Mayor and Council and Planning Commission of the City of Gaithersburg will conduct a joint public hearing on T-375, filed by Greg Ossont on behalf of the Mayor and City Council, on

**TUESDAY
JANUARY 17, 2006
AT 7:30 P.M.**

or as soon thereafter as this matter can be heard in the Council Chambers at 31 South Summit Avenue, Gaithersburg, Maryland.

AN ORDINANCE TO AMEND CHAPTER 24 OF THE CITY CODE ENTITLED "ZONING," ARTICLE III ENTITLED "REGULATIONS APPLICABLE TO PARTICULAR ZONES," DIVISION 14 ENTITLED "I-1 ZONE, LIGHT INDUSTRIAL," DIVISION 15 ENTITLED "I-3 ZONE, INDUSTRIAL AND OFFICE PARK," AND TO CORRECT TYPOGRAPHICAL ERRORS AND TO REQUIRE ADHERENCE TO ADDITIONAL REGULATIONS WHEN BUILDING IN AN INDUSTRIAL ZONE THAT ABUTS RESIDENTIAL USES.

Further information may be obtained from the Planning and Code Administration Department at City Hall, 31 South Summit Avenue, between the hours of 8 a.m. and 5 p.m., Monday through Friday.

Greg Ossont, Director
Planning and Code Administration

10396675

(1-4,1-11-06)

1484230



CITY OF GAITHERSBURG
31 South Summit Avenue
Gaithersburg, Maryland 20877
Telephone: 301-258-6330

NOTICE OF JOINT PUBLIC HEARING

The City of Gaithersburg Mayor and Council and Planning Commission will conduct a public hearing at the time and place noted below.

Meeting: **MAYOR AND CITY COUNCIL**
Application Type: **TEXT AMENDMENT**
File Number: **T-375**
Applicant: **GREG OSSONT FOR MAYOR AND CITY COUNCIL**
Day/ Date/Time: **TUESDAY, JANUARY 17, 2006, AT 7:30 P.M.**
Place: **COUNCIL CHAMBERS, GAITHERSBURG CITY HALL
31 SOUTH SUMMIT AVENUE**

IMPORTANT

This is a proposal to amend Chapter 24 of the City Code entitled "Zoning," Article III, entitled, "Regulations Applicable To Particular Zones," Division 14, entitled, "I-1 Zone, Light Industrial," Division 15, entitled, "I-3 Zone, Industrial And Office Park," and to correct typographical errors and to require adherence to additional regulations when building in an industrial zone that abuts residential uses. This is an opportunity to publicly participate, other than providing written testimony that must be submitted before the public hearing record closes. Contact the Planning and Code Administration City Planner (listed below) at 301-258-6330 if you should have any questions and/or to learn more about this process and your ability to offer testimony and input.

Joint Mayor and City Council & Planning Commission meetings can be viewed live on Gaithersburg Cable Television Channel 13, and at anytime (on demand) two weeks after the public hearing via the Internet and Web TV at <http://www.gaithersburgmd.gov>.

CITY OF GAITHERSBURG

By: Greg Ossont (MPL)
Greg Ossont, Director
Planning and Code Administration

Ordinance No. _____

AN ORDINANCE TO AMEND CHAPTER 24 OF THE CITY CODE,
ENTITLED "ZONING," ARTICLE III, ENTITLED, "REGULATIONS APPLICABLE TO
PARTICULAR ZONES," DIVISION 14, ENTITLED, "I-1 ZONE, LIGHT
INDUSTRIAL," DIVISION 15, ENTITLED, "I-3 ZONE, INDUSTRIAL AND OFFICE
PARK," TO CORRECT TYPOGRAPHICAL ERRORS AND TO REQUIRE
ADHERENCE TO ADDITIONAL REGULATIONS WHEN BUILDING IN AN
INDUSTRIAL ZONE THAT ABUTS RESIDENTIAL USES

Text Amendment **T-375**

BE IT ORDAINED, by the Mayor and City Council of the City of
Gaithersburg, in public meeting assembled, that Chapter 24 of the City Code, Article
III, Divisions 14 and 15 are hereby amended to read as follows:

DIVISION 14, I-1 ZONE, LIGHT INDUSTRIAL

Sec. 24-139. Setback requirements.

Where land in the I-1 Zone adjoins a lot line of land [in a residential] zoned residential [in a] and containing a residential dwelling unit, no building in this zone shall be constructed within [thirty (30)] seventy-five (75) feet of such lot line.

* * * * *

Sec. 24-139A. Development Standards When Abutting Residential Uses

Even if not otherwise developing property under the TND option as allowed in Section 24-141(C) herein, the following development standards shall apply to uses in the I-1 zone when such properties either abut or are adjacent to property used for residential use:

1. Buildings and structures shall be setback a minimum of seventy five (75) feet from any property line, with the exception of all front yards, which shall have a thirty (30) foot minimum setback.
2. Buildings shall not exceed forty-five (45) feet in height.

Boldface

Underlining

[Single boldface brackets]

Double underlining

[[Double boldface brackets]]

/ Leading or defined term.

Added to existing law by original bill.

Deleted from existing law by original bill.

Added by Amendment.

Deleted from existing law or the bill by amendment

Existing law unaffected by bill

3. Development shall be generally compatible with existing, developed portions of surrounding properties.
4. The design code requirements of the TND option, set forth in section 24-22.3(f) shall apply, any references to minimum unit numbers therein notwithstanding.

DIVISION 15. I-3 ZONE, INDUSTRIAL AND OFFICE PARK

Sec. 24-143. Uses permitted by right.

The following uses are permitted by right in the I-3 Zone:

- (1) All uses permitted by right in the [I-3] E-1 Zone.

* * * * *

- (11) Telecommunications facilities and monopoles located entirely within an existing structure or located on the rooftop of an existing structure other than a single-family dwelling unit, subject to the requirements of section 24-167A[(C)] (D)
- (1)

* * * * *

Sec. 24-149A. Development Standards When Abutting Residential Uses

Even if not otherwise developing property under the TND option as allowed in Section 24-150 herein, the following development standards shall apply to uses in the I-3 zone when such properties either abut or are adjacent to property used for residential use:

1. Buildings and structures shall be setback a minimum of seventy five (75) feet from any property line, with the exception of all front yards, which shall have a thirty (30) foot minimum setback.
2. Buildings shall not exceed forty-five (45) feet in height.
3. Development shall be generally compatible with existing, developed portions of surrounding properties.

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Underlining
 [Single boldface brackets]
 Double underlining
 [[Double boldface brackets]]
 * * *

Heading or defined term.
Added to existing law by original bill.
Deleted from existing law by original bill.
Added by Amendment.
Deleted from existing law or the bill by amendment.
Existing law unaffected by bill

4. The design code requirements of the TND option, set forth in section 24-22.3(f) shall apply, any references to minimum unit numbers therein notwithstanding.

ADOPTED this ____ day of _____, 2005 by the City Council of Gaithersburg, Maryland.

SIDNEY A. KATZ, MAYOR and
President of the Council

DELIVERED to the Mayor of the City of Gaithersburg, Maryland, this ____ day of _____, 2006. APPROVED by the Mayor of the City of Gaithersburg, this ____ day of _____, 2006.

Sidney A. Katz, Mayor

THIS IS TO CERTIFY that the foregoing ordinance as adopted by the City Council of Gaithersburg, in public meeting assembled, on the ____ day of _____, 2006, and that the same was approved/vetoed by the Mayor of the City of Gaithersburg on the ____ day of _____, 2006. This Ordinance will become effective on the ____ day of _____, 2006.

David B. Humpton, City Manager

Boldface

Underlining

[Single boldface brackets]

Double underlining

[[Double boldface brackets]]

Heading or defined term.

Added to existing law by original bill.

Deleted from existing law by original bill.

Added by Amendment.

Deleted from existing law or the bill by amendment.

Existing law unaffected by bill.

ID	VACANT / REDEV	ZONING	ADDRESS	CITY	ZIP	OWNER NAME 1
03436262	R	I3				CASEY, BETTY B ET AL TR
03436273	R	I3				CASEY, BETTY B ET AL TR
03346081	R	I3				CITY OF GAITHERSBURG
02018563	R	I3	21 METROPOLITAN GROVE ROAD	GAITHERSBURG	20878	DANIEL DANIEL & DANIEL
03257315	R	I3				EDISON TECH LLC ET AL
03461016	R	I3	655 WATKINS MILL ROAD	GAITHERSBURG	20879	MONUMENT CORPORATE CENTER LLC
03461005	R	I3	960 FREDERICK AVE	GAITHERSBURG	20879	MR 270 NMD I LLC
03257268	R	I3				SFHI LLC
00818234	R	MXD				CASEY, BETTY B ET AL TR
00821777	R	MXD				CASEY, BETTY B ET AL TR
00836698	R	MXD				CASEY, BETTY B ET AL TR
03436251	R	MXD				CASEY, BETTY B ET AL TR
03016800	R	MXD	311 KENTLANDS BLVD	GAITHERSBURG	20878	DAAB LLC
03203814	R	MXD	316 KENTLANDS BLVD	GAITHERSBURG	20878	KENTLANDS II LLC
03433623	R	MXD	911 QUINCE ORCHARD ROAD	GAITHERSBURG	20878	MEDIMMUNE INC
03433634	R	MXD				MEDIMMUNE INC
02711271	R	MXD				MONTGOMERY COUNTY
00768355	R	MXD				MONTGOMERY COUNTY
03244450	R	MXD	9711 WASHINGTONIAN BLVD	GAITHERSBURG	20878	ORIX GAITHERSBURG LLC
02900216	R	MXD	900 WIND RIVER LANE	GAITHERSBURG	20878	QOCC ASSOCIATES
03203494	R	MXD	30 EXCHANGE ST	GAITHERSBURG	20878	SAUL HOLDINGS LTD PRTN SHP
03326527	R	MXD	1409 MAIN ST	GAITHERSBURG	20878	SHAARE TORAH INC
00777953	R	MXD				UNITED STATES AMERICA
03340860	R	MXD				WASHINGTONIAN NORTH ASSO L P
03340871	R	MXD	10000 WASHINGTONIAN BLVD	GAITHERSBURG	20878	WASHINGTONIAN NORTH ASSO L P
03198705	V	I1				HOUSING OPP COMM OF MONT CO
03257292	V	I3	101 EDISON PARK DR	GAITHERSBURG	20878	EDISON TECH LLC ET AL
02214641	V	I3				THE HUMANE SOCIETY OF THE
03309090	V	MXD	151 LAKELANDS DR	GAITHERSBURG	20878	151 LAKELANDS LLC
02960458	V	MXD	4 KENT GARDENS CIR	GAITHERSBURG	20878	BRISCUSO, JEAN ET AL
00768333	V	MXD				BURNS, EDWARD 4TH ET AL
03458097	V	MXD				CHURCHILL DEVELOPMENT CORP
00818644	V	MXD				ENGLAND, JONATHAN S ET AL
02304605	V	MXD	911 QUINCE ORCHARD ROAD	GAITHERSBURG	20878	GENERAL ELECTRIC REAL EST CREDIT
03299753	V	MXD				GREAT SENECA DEVELOPMNT CORP
00771546	V	MXD				HOWARD, KEVIN
00771752	V	MXD				METROPOLITAN GROVE RD LLC
01869568	V	MXD				METROPOLITAN GROVE RD LLC
01869557	V	MXD				METROPOLITAN GROVE RD LLC
02781967	V	MXD				MONTGOMERY COUNTY
02900182	V	MXD				QOCC ASSOCIATES
02304547	V	MXD				QOCC ASSOCIATES
00774948	V	MXD				ROSENTHAL, ROBERT
03069330	V	MXD	913 QUINCE ORCHARD ROAD	GAITHERSBURG	20878	S & T KENTLANDS LLC
00772745	V	MXD				STEWART, ASBY
03340882	V	MXD	10101 WASHINGTONIAN BLVD	GAITHERSBURG	20878	WASHINGTONIAN NORTH ASSO L P
03340893	V	MXD	10201 WASHINGTONIAN BLVD	GAITHERSBURG	20878	WASHINGTONIAN NORTH ASSO L P

ACCTID	ZONIN	ADDRESS	CITY	ZIPCO	OWNNAME1
160903310305	I1	25 CHESTNUT ST	GAITHERSBURG	20877	25 CHESTNUT STREET LLC
160903158790	I1	9030 COMPRINT CT	GAITHERSBURG	20877	GAZETTE NEWSPAPER INC
160901782306	I1	300 E DEER PARK DR	GAITHERSBURG	20877	GUARDIAN PROPERTY ASSOC
160903085410	I1	227 E DEER PARK DR	GAITHERSBURG	20877	HOUSING OPP COMM OF MONTG CO
160903085421	I1	231 E DEER PARK DR	GAITHERSBURG	20877	HOUSING OPP COMM OF MONTG CO
160903085408	I1	229 E DEER PARK DR	GAITHERSBURG	20877	MONTGOMERY CO
160900840840	I1	16 CHESTNUT ST	GAITHERSBURG	20877	MONTGOMERY COUNTY
160900819524	I1	14 CHESTNUT ST	GAITHERSBURG	20877	QUINN, JOHN H JR ET AL TR
160902758882	I1	26 W DIAMOND AVE	GAITHERSBURG	20877	SOVRAN ACQUISITION L P
160900820237	I1	4 MEEM AVE	GAITHERSBURG	20877	STANDARD SUPPLIES INC
160900840805	I1	4 MEEM AVE	GAITHERSBURG	20877	STANDARD SUPPLIES INC
160903147967	I3	45 W WATKINS MILL ROAD	GAITHERSBURG	20878	ARE-25/35/45 W WATKINS CORP
160902774712	I3	50 W WATKINS MILL ROAD	GAITHERSBURG	20878	ARE-50 W WATKINS MILL LLC
160903147956	I3	9 W WATKINS MILL ROAD	GAITHERSBURG	20878	ARE-MARYLAND NO 23 LLC
160903279915	I3	1201 CLOPPER ROAD	GAITHERSBURG	20878	ARE-METROPOLITAN GROVE I LLC
160901661658	I3	4 PROFESSIONAL DR	GAITHERSBURG	20879	ARTWORK MASTER CORP
160901662243	I3	2 PROFESSIONAL DR	GAITHERSBURG	20879	ARTWORK MASTERS CORP
160901661751	I3	4 PROFESSIONAL DR	GAITHERSBURG	20879	ARTWORK MASTERS CORPORATION
160901661762	I3	4 PROFESSIONAL DR	GAITHERSBURG	20879	ARTWORK MASTERS CORPORATION
160901662232	I3	2 PROFESSIONAL DR	GAITHERSBURG	20879	ARTWORK MASTERS CORPORATION
160901661911	I3	4 PROFESSIONAL DR	GAITHERSBURG	20879	BALLA, LOUIS B ET AL TR
160901661922	I3	4 PROFESSIONAL DR	GAITHERSBURG	20879	BALLA, LOUIS B ET AL TR
160902795598	I3	1101 CLOPPER ROAD	GAITHERSBURG	20878	BOWL AMERICA INC
160901661738	I3	4 PROFESSIONAL DR	GAITHERSBURG	20879	BRITTI, ANTHONY F & N G
160901661740	I3	4 PROFESSIONAL DR	GAITHERSBURG	20879	BRITTI, ANTHONY F & N G
160901661944	I3	4 PROFESSIONAL DR	GAITHERSBURG	20879	BRITTI, ANTHONY F & N G
160901661660	I3	4 PROFESSIONAL DR	GAITHERSBURG	20879	BUTT, SAMSON P
160901661647	I3	4 PROFESSIONAL DR	GAITHERSBURG	20879	CHENKIN, HOWARD
160901661625	I3	4 PROFESSIONAL DR	GAITHERSBURG	20879	CIARAMELLO, WILLIAM P & P F
160903257235	I3	1649 MAIN ST	GAITHERSBURG	20878	CITY OF GAITHERSBURG
160903257246	I3				CITY OF GAITHERSBURG
160903257257	I3				CITY OF GAITHERSBURG
160903257281	I3				CITY OF GAITHERSBURG
160901661820	I3	4 PROFESSIONAL DR	GAITHERSBURG	20879	CKSG GENERAL PARTNERSHIP
160901661693	I3	4 PROFESSIONAL DR	GAITHERSBURG	20879	CKSG GENERAL PTNSHP
160901661705	I3	4 PROFESSIONAL DR	GAITHERSBURG	20879	CKSG GENERAL PTNSHP
160901662037	I3	2 PROFESSIONAL DR	GAITHERSBURG	20879	CKSG GENERAL PTNSHP
160901662048	I3	2 PROFESSIONAL DR	GAITHERSBURG	20879	CKSG GENERAL PTNSHP
160901662050	I3	2 PROFESSIONAL DR	GAITHERSBURG	20879	CKSG GENERAL PTNSHP
160901662061	I3	2 PROFESSIONAL DR	GAITHERSBURG	20879	CKSG GENERAL PTNSHP
160901661831	I3	4 PROFESSIONAL DR	GAITHERSBURG	20879	COUNCIL OF UNIT OWNERS OF
160902795587	I3	2 METROPOLITAN CT	GAITHERSBURG	20878	DANIEL DANIEL & DANIEL
160901662210	I3	2 PROFESSIONAL DR	GAITHERSBURG	20879	DARROODI, ALI & M
160903257315	I3				EDISON TECH LLC ET AL
160901661853	I3	4 PROFESSIONAL DR	GAITHERSBURG	20879	ERSEK, DONNA N ET AL
160901661864	I3	4 PROFESSIONAL DR	GAITHERSBURG	20879	ERSEK, DONNA N ET AL
160901661955	I3	4 PROFESSIONAL DR	GAITHERSBURG	20879	ERSEK, DONNA N ET AL
160901661966	I3	4 PROFESSIONAL DR	GAITHERSBURG	20879	ERSEK, DONNA N ET AL
160901661977	I3	4 PROFESSIONAL DR	GAITHERSBURG	20879	ERSEK, DONNA N ET AL
160901661988	I3	4 PROFESSIONAL DR	GAITHERSBURG	20879	ERSEK, DONNA N ET AL
160901662208	I3	2 PROFESSIONAL DR	GAITHERSBURG	20879	ESLER, JOHN T JR & V A
160901662312	I3	2 PROFESSIONAL DR	GAITHERSBURG	20879	EVANSHAW, MICHAEL R
160903185816	I3	75 W WATKINS MILL ROAD	GAITHERSBURG	20878	FIRST FEDERAL CORPORATION
160902544207	I3	101 ORCHARD RIDGE DR	GAITHERSBURG	20878	FOULGER LAND LTD PTNSHP ET AL
160901662391	I3	2 PROFESSIONAL DR	GAITHERSBURG	20879	FUSION POWER ASSOCIATES
160901662403	I3	2 PROFESSIONAL DR	GAITHERSBURG	20879	FUSION POWER ASSOCIATES
160901661900	I3	4 PROFESSIONAL DR	GAITHERSBURG	20879	GEISSLER, DAVID R & T E B
160901661727	I3	4 PROFESSIONAL DR	GAITHERSBURG	20879	GIST, ROBERT
160901661671	I3	4 PROFESSIONAL DR	GAITHERSBURG	20879	GOBER, ALAN E & R B
160901661636	I3	4 PROFESSIONAL DR	GAITHERSBURG	20879	GRAMES, GEORGE M ET AL TR
160902518573	I3	5 METROPOLITAN CT	GAITHERSBURG	20878	HALCYON ASSOCIATES

City of Gaithersburg

Properties Zoned I-1 and I-3

ning I-1 I-3 letter.mxd 12-Sep-2005 pke

MD State Plane
HPGN NAD 83/91

1 inch equals 3,200 feet

1,600 0 1,600 Feet

500 0 500 Meters

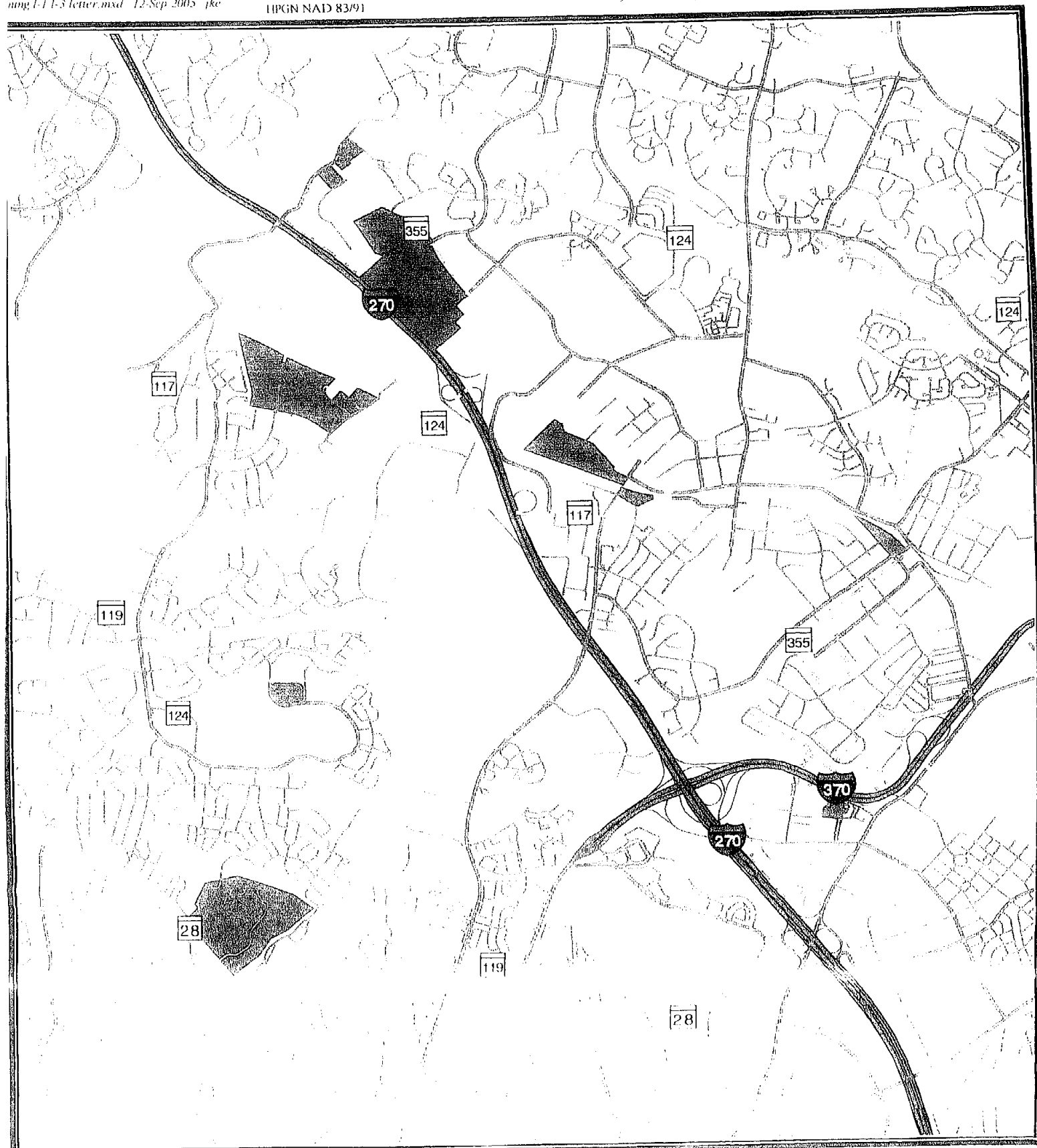


Planimetric basemap (roads) ©2005 M-NCPPC and City of Gaithersburg. All rights reserved.

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City of Gaithersburg
City Manager's Office
41 S. Summit Ave.
Gaithersburg, MD 20878
(301) 251-6310
www.gaithersburgmd.com



DIVISION 14. I-1 ZONE, LIGHT INDUSTRIAL

Sec. 24-136. Uses permitted by right.

The following uses are permitted by right in the I-1 Zone:

A. OFFICE AND RESEARCH USES:

- (1) Clinic, medical or dental.
- (2) General office.
- (3) Research, experimental or testing laboratories.

B. CULTURAL, ENTERTAINMENT AND RECREATIONAL:

- (1) Employee recreational facilities (conditional use).
- (2) Health clubs.
- (3) Libraries, science or technical.
- (4) Place of religious worship.
- (5) Commercial parks and other places of outdoor amusements, including golf courses, miniature golf courses, driving ranges, carnivals and fairs, subject to the following requirements:
 - (a) When such use abuts the side and rear line of a lot in a residential zone, a solid wall or substantial solid fence at least six (6) feet in height shall be constructed and maintained along such lot line.
 - (b) Lighting, including permitted illuminating signs, shall be arranged so as not to reflect or cause glare into any residential zone.
 - (c) When such use occupies a corner lot, the ingress or egress driveways shall be located at least fifty (50) feet from the intersection of the front and side street lines of the lot, and such driveways shall not exceed twenty-five (25) feet in width. Driveway entrances and exits shall not be located directly across a street or alley nor less than twenty-five (25) feet from residential property.
- (6) Adult-oriented businesses subject to the following requirements:
 - (a) Goods, merchandise, materials displayed, exhibited, sold, rented or bartered or live performances must not be visible from outside the establishment. Any establishment devoting less than ten percent (10%) of its total floor area to adult-oriented materials defined in Section 24-1 must be located within an enclosed room or area, separated from the general retail areas with appropriate signage identifying the adult content of the room or area.
 - (b) Access must be prohibited to any person under the age of 21 years.
 - (c) The business must be located at least one (1000) thousand feet away from any property: (i) located in a residential zone or (ii) on which a church or religious facility, school, library, park, playground, recreational facility,

daycare center or where another adult-oriented business is located. The distance must be measured in a straight line from the nearest point of the boundary of the property upon which the business is located to the nearest point of a boundary line to the uses described in subsection (6)(c)(i) and (ii) hereinabove.

(d) The business may operate only between the hours of 9:00 am and 9:00 pm.

C. PRODUCTION/MANUFACTURING/ASSEMBLY/PROCESSING:

- (1) Aircraft/satellite parts.
- (2) Bottling plant, such as dairy and soft drink products.
- (3) Cabinetmaking/carpentry.
- (4) Cosmetics, drugs, perfumes, pharmaceuticals, toiletries and products resulting from biotechnical and biogenetic research and development.
- (5) Electroplating and manufacturing of small parts, such as coils, condensers, transformers and crystal holders.
- (6) Ice manufacturing and storage plant.
- (7) Lumber yard, including planing, milling and other processing.
- (8) Machine parts, components, instruments and devices.
- (9) Machine tools manufacture, scientific and testing apparatus.
- (10) Manufacture, compounding, processing or packaging of food and food products, other than vinegar and yeast, but not including the rendering or refining of fat or oil, or the production of cosmetics, toiletries or pharmaceuticals or the operation of abattoirs.
- (11) Manufacture, compounding or assembling of articles using the following prepared materials: bone or shell, cellophane, fur, glass, leather, plastics, precious or semiprecious metals or stones, rubber, textiles or cloth products, tobacco or wood or wood products.
- (12) Manufacture of ceramic products, excluding building materials, using only previously pulverized clay and kilns fired by electricity or gas.
- (13) Manufacture or assembling from prepared material of the following: musical instruments, clocks or watches, toys or novelties, electrical devices, light sheet metal products and office equipment.
- (14) Medical, scientific or technical instruments, devices and equipment.
- (15) Metal and steel fabricators.
- (16) Modular/mobile homes.
- (17) Paint without boiling.
- (18) Paper products.
- (19) Semiconductors, microchips, circuits and circuit boards.

(20) Stoneworks.

(21) Yeast, mold and other natural products necessary for medical and biotechnical research and development.

D. RETAIL AND WHOLESALERS:

(1) Aircraft parts and service.

(2) Antiques.

(3) Building material sales yard, including the sale of rock, sand, gravel and the like as an incidental part of the main business, and contractors' equipment storage yard and plant.

(4) Bakers, including the retail sale of goods baked on the premises, provided such use is located within the Olde Towne District, as defined in section 24-161 of this Code.

(5) Computers and accessories.

(6) Furniture.

(7) Home improvement suppliers and distributors, selling or distributing hardware, plumbing supplies, paint, wallpaper, lighting fixtures, carpet, garden supplies, plant nursery products and furniture.

(8) Personal services for employees.

(9) Pet/livestock feeds.

E. SERVICES:

(1) Automobile, truck and transport vehicle rental.

(2) Blacksmith.

(3) Cabinet shops, upholstery shops and fabric shops.

(4) Dry cleaning.

(5) Duplicating.

(6) Laundry plants.

(7) Motor vehicle paint and repair shops and sale of motor vehicle parts.

(8) Motor vehicle upholstery.

(9) Plumbing, heating and air conditioning distribution and repair.

(10) Printing and publishing.

(11) Tin smithing/roofing.

(12) Trade/technical schools.

F. TRANSPORTATION, COMMUNICATION AND UTILITIES:

(1) Electric power transmission and distribution lines, overhead and underground.

- (2) Public utility uses, such as electric substations, storage or material and trucks, repair facilities, offices and electric generating plants.
- (3) Railroad tracks.
- (4) Telephone and telegraph lines.
- (5) Telephone offices, communications and telecommunications centers.
- (6) Telecommunications facilities subject to the requirements of section 24-167A(C)(1).
- (7) Trucking terminals.

G. *Warehousing, storage and distribution:*

- (1) Wholesale businesses, warehouses and nonprocessing storage and distribution uses, but not including bulk storage of chemicals, petroleum products and other flammable, explosive or noxious materials; notwithstanding the foregoing, bulk storage of petroleum products may continue in its present location as a permitted use if existing prior to the adoption of this ordinance, provided, however, that said use may not be expanded by more than ten (10) percent in volume of storage.

H. *Other uses:*

- (1) Accessory uses:
 - (a) Retail sales of products manufactured on the premises.
 - (b) Living quarters for owners, caretakers or watchmen and their families.
 - (c) Any use on the same lot or parcel as the primary use which is customarily incidental and subordinate to the principal or primary use.
 - (2) Accessory structures must conform to requirement of section 24-163 of this Code.
 - (3) Agricultural uses.
 - (4) Bed and breakfast, subject to the requirements contained in section 24-167B.
 - (5) Off-street parking.
 - (6) Pipelines.
 - (7) Public buildings and uses.
 - (8) Satellite television antennas and towers, poles, antennas or other structures intended for use in connection with transmission or receipt of radio or television signals, or both, subject to the provisions of section 24-167A of this Code.
- (Ord. No. O-4-96, 3-18-961; Ord. No. O-21-97, 11-17-97; Ord. No. O-10-02, 11-4-02; Ord. No. O-5-04, 1-20-04)

Editor's note—Ord. No. O-4-96, adopted Mar. 18, 1996, repealed § 24-136, which pertained to uses permitted by right and derived from Ord. No. O-2-65, Art. 3, § 1; Ord. No. O-13-72; Ord. No. O-2-74; Ord. No. O-5-75, § 5; Ord. No. O-2-76, § 1; Ord. No. O-3-88, adopted Mar. 28, 1988; Ord. No. O-17-93, adopted Nov. 15, 1993; and Ord. No. O-12-95, adopted July 10, 1995. Ord. No. O-4-96 enacted similar new provisions as herein set out.

Sec. 24-136A. Special exception uses.

- (1) Alcoholic beverage manufacturing.
- (2) Animal boarding places.
- (3) Automobile sales, retail and wholesale.
- (4) Child and elderly day care.
- (5) Hospital.
- (6) Motor vehicle assembly.
- (7) Private clubs.
- (8) Veterinary hospitals and clinics.
- (9) Tattoo parlors and body piercing establishments subject to the following requirements in addition to other requirements generally for approving special exceptions and compliance with conditions imposed by the City Board of Appeals:
 - (a) The business premises must not be located on property where the boundaries of the property are within one thousand (1,000) feet of the boundaries of property containing a school, church, religious facility or other tattoo parlor or body piercing establishment or any residentially zoned property including property in the MXD Zone.
 - (b) The business premises may only operate between the hours of 9:00 am and 9:00 pm.
 - (c) The business must conform to any applicable state and local health and safety regulations.
 - (d) No instruments or equipment shall be used which has not been sterilized for use on any customer or client.

(Ord. No. O-4-96, 3-18-96; Ord. No. O-10-02, 11-4-02)

Sec. 24-137. Applicability of division to lands shown on zoning maps as I-2 Zone.

Land shown on the official zoning map of the city in the I-2 Zone shall be governed by the regulations contained in this division.

(Ord. No. O-13-72)

Sec. 24-138. Minimum lot width.

Lots in the I-1 Zone shall have a minimum width of fifty (50) feet; provided, however, that any building in excess of fifteen (15) feet in height shall be on a lot with a minimum width of seventy (70) feet. Where a lot is a corner lot, or through lot containing frontage on more than

one public street, the front of the lot for the purposes of determining conformance with this requirement shall be the portion of the lot with the most immediate and direct access to a public street.

(Ord. No. O-13-72; Ord. No. O-22-87, 9-8-87)

Sec. 24-139. Setback requirements.

Where land in the I-1 Zone adjoins a lot line of land in a residential zone, no building in this zone shall be constructed within thirty (30) feet of such lot line.

(Ord. No. O-13-72)

Sec. 24-140. Height restrictions.

The maximum height of buildings in the I-1 Zone shall be forty-five (45) feet.
(Ord. No. O-13-72)

Sec. 24-141. Maximum lot coverage.

No more than seventy-five (75) percent of any lot in the I-1 Zone may be occupied by buildings.
(Ord. No. O-13-72)

Sec. 24-141A. Frontage and access requirements.

Buildings constructed on I-1 zoned land containing an aggregate gross floor area of twenty thousand (20,000) square feet or more shall be located on a lot having not less than seventy-five (75) feet of frontage upon an improved public roadway and direct access to that roadway.
(Ord. No. O-22-87, 9-8-87)

Sec. 24-141B. Open storage restrictions.

The open storage in any yard area of goods, materials or equipment for sale or lease off-site shall be upon areas designated in an approved site plan and shall be enclosed by a sight-tight fence or planted material not less than six (6) feet in height.
(Ord. No. O-22-87, 9-8-87)

Sec. 24-141C. Traditional Neighborhood Design (TND) option.

The Traditional Neighborhood Design (TND) option may be used as an alternate method of development, subject to compliance with the standards set forth in section 24-22.3 of Chapter 24 of this Code.
(Ord. No. O-3-99, 1-19-99)

DIVISION 15. I-3 ZONE, INDUSTRIAL AND OFFICE PARK**Sec. 24-142. Purpose of zone.**

The purpose of the I-3 Zone is to provide for parklike development of industries or offices that are relatively nuisance-free. Uses permitted in this zone are provided a healthful operating environment secure from the encroachment of commercial or residential uses, and protected from adverse effects of incompatible industries. The regulations in this zone will reduce the impact of employment centers on surrounding uses by lessening traffic congestion, protecting the health and safety of workers and residents nearby, and by preventing detrimental effects on properties adjoining or in the neighborhood.
(Ord. No. O-2-65, Art. 3, § 1)

Sec. 24-143. Uses permitted by right.

The following uses are permitted by right in the I-3 Zone:

- (1) All uses permitted by right in the I-3 Zone.
- (2) Public buildings and uses subject to the following requirements:
 - (a) The minimum lot or parcel area shall be at least twenty (20) acres in size.
 - (b) No on-site parking or storage of trucks, either within a building or on the exterior, or motor vehicles other than automobiles for employees and customers of the facility are allowed.
 - (c) All parking areas shall be set back at least fifty (50) feet from any common property line or public right-of-way and shall be screened by fencing or planting at least four (4) feet in height.
 - (d) No distribution uses are allowed. For the purpose of this section "distribution uses" is defined as the primary use of the property for the collection and transfer or dispensing of personal property or equipment to public or private recipients.
- (3) Public buildings and uses.
- (4) Office buildings for professional and general business offices.
- (5) Restaurants (Class A when located within the same building which is substantially devoted to a recreational use and Class C).
- (6) Adult-oriented businesses subject to the following requirements:
 - (a) Goods, merchandise, materials sold, rented or bartered or live performances must not be visible from outside the establishment.
 - (b) Access must be prohibited to any person under the age of 21 years.
 - (c) The business must be located on property where the boundary of the property is at least 1,000 feet away from any property (i) located in a residential zone or (ii) on which a church or religious facility, school, library, park, playground, recreational facility, daycare center or where any other adult-oriented business is located. The distance must be measured in a straight line from the front entrance of the adult-oriented business to the nearest point of a boundary line to the uses described in subsection (6)(c)(i) and (ii) hereinabove.
 - (d) The business may operate only between the hours of 9:00 am and 9:00 pm.
- (7) Hospitals and associated medical facilities such as, but not limited to, medical laboratories, medical schools and convalescent homes.
- (8) Child or elderly day care facilities accommodating not more than eight (8) individuals.

- (9) Child or elderly day care facilities accommodating more than eight (8) individuals subject to restrictions on such use contained in section 24-25(4) and the following requirements:
- a. Such use within a building or structure shall be constructed and maintained with noise attenuation materials so not to emit noises in excess of a sixty-five (65) dba level into adjoining uses, common areas or public ways;
 - b. Outdoor play areas and playgrounds abutting improved residential property shall only be used between the hours of 8:00 a.m. and 6:00 p.m.;
 - c. Facilities accommodating more than eight (8) children but not more than twenty (20) children at any one time shall provide at least three hundred (300) square feet of gross lot or parcel area per child, and facilities accommodating more than twenty (20) children at any one time shall provide at least five hundred (500) square feet of gross lot or parcel area per child;
 - d. The use shall be located and operated so that traffic will not constitute a nuisance to single-family residential areas; and
 - e. That the design of the facilities will be compatible and in character with surrounding, existing and proposed residential uses.
- (10) Bed and breakfast subject to the requirements contained in section 24-167B.
- (11) Telecommunications facilities and monopoles located entirely within an existing structure or located on the rooftop of an existing structure other than a single-family dwelling unit, subject to the requirements of section 24-167A(C)(1).
- (Ord. No. O-2-65, Art. 3, § 1; Ord. No. O-16-71; Ord. No. O-7-73, § 9; Ord. No. O-4-74, § 2; Ord. No. O-2-76, § 1; Ord. No. O-10-81, § 7; Ord. No. O-14-83, § 1, 7-18-83; Ord. No. O-20-87, 9-8-87; Ord. No. O-3-88, 3-24-88; Ord. No. O-5-93, 4-12-93; Ord. No. O-17-93, 11-15-93; Ord. No. O-11-96, 10-21-96; Ord. No. O-21-97, 11-17-97; Ord. No. O-2-00, 2-7-00; Ord. No. O-10-02, 11-4-02)

Sec. 24-144. Uses permitted as special exceptions.

The following uses are permitted in the I-3 Zone as special exceptions after approval by the board of appeals:

- (a) Amusement center as part of, and clearly accessory to, a separate primary recreational building and/or use. This use shall be subject to the standards and requirements contained in section 24-118(7) of the City Code and the following limitations:
 - (1) The accessory amusement center must be part of the original construction of a recreation establishment and not a part of a reuse of a building which is converted to recreational use.
 - (2) The building within which the amusement center is located must not be located closer than five hundred (500) feet to property zoned for, or improved with, single-family residential use.

- (3) The accessory amusement center must not be located in a building which is within one-half mile, in straight line distance, to another building containing an amusement center accessory use.

(b) Pawn shops, provided that a pawn shop is not located within one thousand (1,000) feet of the boundaries of property containing a school, church, religious facility, or any other pawnshop or any residentially zoned property, including property in the MXD Zone designated on an approved schematic development plan or sketch plan for residential use, and said use shall comply with the requirements of Chapter 44A, Montgomery County Code as amended. Pawnshops existing as of the effective date of this amendment shall conform to the provisions of section 24-167C(2) of the City Code.

(c) Tattoo parlors and body piercing establishments subject to the following requirements in addition to other requirements generally for approving special exceptions and compliance with conditions imposed by the City Board:

- (1) The business premises must not be located on property where the boundary of the property is located within one thousand (1,000) feet of the boundaries of property containing a school, church, religious facility or other tattoo parlor or body piercing establishment or any residentially zoned property including property in the MXD Zone.
 - (2) The business premises may only operate between the hours of 9:00 am and 9:00 pm.
 - (3) The business must conform to any applicable state and local health and safety regulations.
 - (4) No instruments or equipment shall be used which has not been sterilized for use on any customer or client.
- (Ord. No. O-2-65, art. 3, § 1; Ord. No. O-8-95, 6-5-95; Ord. No. O-2-98, 3-2-98; Ord. No. O-4-98, 4-6-98; Ord. No. O-10-02, 11-4-02)

Sec. 24-145. Lots.

Lots in the I-3 Zone shall have a minimum area of two (2) acres. Such lots shall have a minimum width of one hundred (100) feet.
(Ord. No. O-2-65, art. 3, § 1)

Sec. 24-146. Setback requirements.

Building and structures within an I-3 Zone shall be setback a minimum of fifty (50) feet from any property line, with the exception of all front yards, which shall have a twenty (20) foot minimum setback. If a building exceeds thirty (30) feet in height, an additional one foot shall be added to the setback requirement for each foot that the building exceeds thirty (30) feet in height.

(Ord. No. O-2-65, art. 3, § 1; Ord. No. O-19-97, 11-17-97)

Sec. 24-147. Height restrictions.

No building or structure in the I-3 Zone shall exceed one hundred ten (110) feet in height.
(Ord. No. O-2-65, art. 3, § 1)

Sec. 24-148. Lot coverage.

Not more than twenty-five (25) percent of the net lot area of any lot in an I-3 Zone shall be covered by buildings, including accessory buildings.
(Ord. No. O-2-65, art. 3, § 1)

Sec. 24-149. Minimum distance between main buildings.

The minimum distance between main buildings in the I-3 Zone shall be fifty (50) feet; provided, that if any building exceeds thirty (30) feet in height, one additional foot of separation shall be required for each foot that the building exceeds thirty (30) feet in height.
(Ord. No. O-2-65, art. 3, § 1)

Sec. 24-150. Traditional Neighborhood Design (TND) option.

The Traditional Neighborhood Design (TND) option may be used as an alternate method of development, subject to compliance with the standards set forth in section 24-22.3 of Chapter 24 of this Code.
(Ord. No. O-3-99, 1-19-99)

DIVISION 16. I-4 ZONE, GENERAL INDUSTRIAL**Sec. 24-150A. Permitted uses.**

The following uses are permitted in the I-4 Zone:

- (1) All uses permitted in the I-1 Zone, section 24-136.
 - (2) Bulk storage and sales distribution of petroleum or chemical products, but not including the refining, processing or manufacture of such products.
- (Ord. No. O-3-82)

Sec. 24-150B. Development and use standards.

(1) All uses permitted in section 24-150A(1) shall be governed by the provisions set forth in sections 24-138 through 24-141.

(2) The following standards and requirements shall apply to those uses permitted pursuant to section 24-150A(2):

- (a) Minimum lot width shall be one hundred (100) feet.
- (b) No building or structure shall be erected or maintained within thirty (30) feet of any property line or within two hundred (200) feet of any residential building.
- (c) No building or structure shall exceed forty-five (45) feet in height.

- (d) No more than fifty (50) percent of any lot or parcel may be occupied with buildings or structures.
 - (e) Such structures and uses must conform to the standards and requirements of the Fire Safety Code of Montgomery County and the Basic Building Code, as adopted by the city, including the provision of adequate safety and firefighting devices.
 - (f) The use shall not result in the emission of fumes or odors of such intensity as to be detrimental to the health and welfare of the general public.
 - (g) There shall be no discharge of any petroleum or chemical product stored on the premises at any point into any public or private sewage disposal system or stream or into the ground.
 - (h) Prior to the issuance of any building or occupancy permit for such use, a site development plan shall be submitted to the city planning commission for its approval in accord with the requirements of Article V of this chapter.
- (Ord. No. O-3-82)

Sec. 24-150C. Traditional Neighborhood Design (TND) option.

The Traditional Neighborhood Design (TND) option may be used as an alternate method of development, subject to compliance with the standards set forth in section 24-22.3 of Chapter 24 of this Code.

(Ord. No. O-3-99, 1-19-99)

DIVISION 17. E-1 ZONE, URBAN EMPLOYMENT

Sec. 24-151. Permitted uses.

The following uses are permitted in the E-1 Zone:

- (1) Office buildings for general office purposes.
- (2) Public buildings, churches and similar uses.
- (3) Libraries and similar institutions of noncommercial nature.
- (4) Research, experimental and testing laboratories.
- (5) Manufacture, compounding, processing, assembly and retail sales of articles using prepared materials which are entirely stored within a structure.
- (6) Wholesale businesses, warehouses and similar nonprocessing storage and distribution uses, except bulk storage of chemicals, petroleum products and other inflammable, explosive or noxious materials.
- (7) Farms and other uses associated with agricultural activities.
- (8) Retail sales and consumer service establishments, incidental to and located within an office structure, limited to restaurants, drugstores, newsstands, barbershops, valet shops, specialty shops and delicatessens, banks and financial institutions.